



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

283  
NTH

Applicants: Yong Hwan Jeong et al. Docket No.: 01-699

Serial No.: 10/040,743 Examiner :

Filed : November 1, 2001 Art Unit : 2631

For : ZIRCONIUM ALLOY HAVING EXCELLENT CORROSION  
RESISTANCE AND MECHANICAL PROPERTIES AND METHOD FOR  
PREPARING NUCLEAR FUEL CLADDING TUBE BY  
ZIRCONIUM ALLOY

Suite 1201  
900 Chapel Street  
New Haven, CT 06510-2802

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RESPONSE AND SUBMISSION OF STATEMENT

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Attention: Licensing and Review  
Hon. Commissioner of Patents & Trademarks  
United States Patent & Trademark Office  
Washington, D.C. 20231

OCT 21 2002

Technology Center 2600

Dear Sir:

In response to the Official Notice of September 26, 2002, a copy of which is enclosed, Applicants enclose herewith a Statement signed by the inventors of the instant application.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

on October 11, 2002

(Date of Deposit)  
Rachel Piscitelli

Name and Reg. No. of Attorney  
Rachel Piscitelli  
Signature  
October 11, 2002  
Date of Signature

Respectfully submitted,

Yong Hwan Jeong et al.

By

Gregory P. LaPointe  
Attorney for Applicants  
Reg. No. 28,395  
Tel: (203) 777-6628  
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Date: October 11, 2002

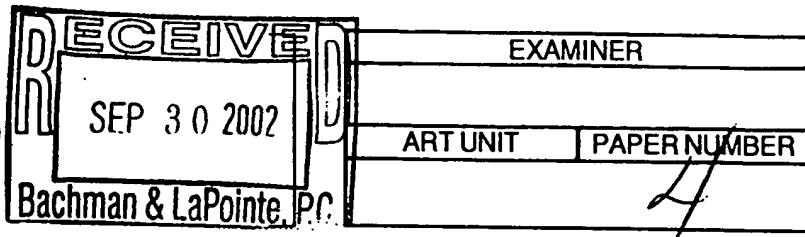


UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET N. |
|---------------|-------------|-----------------------|-----------------|
| 10/040,743    | 11/01/01    | JEONG, ET AL.         | 01-699          |

GREGORY P. LAPOINTE  
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DATE MAILED:

26 SEP 2002

Response Due: 11-10-02 (Final Date)

IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A  
FORMAL REQUIREMENT WILL BE ISSUED

RECEIVED

The subject matter of this application appears to:

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be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 37 CFR 1.68 (Department of Energy (DOE)).

"have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (202) 305-4191.

(703)305-0241

PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE  
ATTENTION OF LICENSING AND REVIEW

The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which NO Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (We) \_\_\_\_\_  
citizens of \_\_\_\_\_  
residing at \_\_\_\_\_  
declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number \_\_\_\_\_ filed in the United States of America on \_\_\_\_\_  
titled \_\_\_\_\_

(Check and complete either I or II below)

I. (For Inventors Employed by an Organization) That I (we) made and conceived this invention while employed by \_\_\_\_\_ . That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of \_\_\_\_\_ . Other relevant facts are \_\_\_\_\_  
(name of employer) \_\_\_\_\_

That to the best of my (our) knowledge and belief (and/or) based upon information provided by \_\_\_\_\_

of \_\_\_\_\_

—OR—

II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are \_\_\_\_\_

(Check III and/or IV below as appropriate)

That to the best of my (our) knowledge and belief:

III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_

Inventor's Signature: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_

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DOCKET NO. 01-699

SERIAL NO. 10/040,743

The date stamp of the Patent Office hereon may be considered as the date on which papers indicated below were received.

|                                |                          |                  |                                     |
|--------------------------------|--------------------------|------------------|-------------------------------------|
| New Application                | <input type="checkbox"/> | Notice of Appeal | <input checked="" type="checkbox"/> |
| Assignment                     | <input type="checkbox"/> | Appeal Brief     | <input type="checkbox"/>            |
| Drawing                        | <input type="checkbox"/> | Power of Att.    | <input checked="" type="checkbox"/> |
| Resp. to O.A.                  | <input type="checkbox"/> | Final Fee        | <input type="checkbox"/>            |
| Con. Doc.                      | <input type="checkbox"/> | Check            | <input type="checkbox"/>            |
| Response and Sub. of Statement |                          |                  |                                     |

(Patent Office. Please stamp and return to addressee on reverse side.)

NO. 9012 Blumberg Excelsior N.Y.C. 10013

10-11-02  
Jeong et al.

